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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,455	12/13/1999	STEVEN E. GARDELL	96-3-511-CON	2494

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EXAMINER

DINH, DUNG C

ART UNIT PAPER NUMBER

2152

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/460,455

Applicant(s)

GARDELL ET AL.

Examiner

Dung Dinh

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,3,4,6,7,9,10,12,13,15,16,18-22,25,27,28,30-33,36,39-41,44,45,50,53-56,59-66,69 and 70.

Continuation of Disposition of Claims: Claims rejected are 1,3,4,6,7,9,10,12,13,15,16,18-22,25,27,28,30-33,36,39-41,44,45,50,53-56,59-66,69 and 70.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/29/05 have been fully considered but they are not persuasive.

Applicant argued that Kikinis does not disclose further processing of the HTL file at the handheld device; therefore Kikinis does not teach recomposing the second network information to form third network information. The argument is not persuasive because the handheld device has a NanoBrowser for rendering HTL file on the display of the handheld device [col.8 lines 19-30]. Kikinis does not specifically state the NanoBrowser 'recompose' the HTL file received. However, it is inherent that the NanoBrowser must parse the HTL file to determine the content and layout information for presentation of the screen of the handheld device. Col. 10 lines 47-56, Kikinis teaches the NanoBrowser present only part of the entire page and an auxiliary display presenting information relative to the position of the page. Hence, the NanoBrowser recomposes the file received from the Proxy-Server. The parsed data and information concerning the position of the page constitute the 'third network information' as claimed.

Regarding claims 36, 41 and 66, Applicant argued that Kikinis does not teach means for recomposing separate from the

Art Unit: 2152

server. The argument is not persuasive because Kikinis's handheld device is the apparatus claimed in 36, 66 and it performs the method of claim 41. As explained above, the NanoBrowser on the handheld device does the recomposing. The NanoBrowser is separate from the transcoding Proxy-Server. The NanoBrowser send URL request to the Proxy-server and receives transcoded Web page as HTL file. The HTL file contains the network information and user interface definition (i.e. the content and layout of the transcoded web page). The NanoBrowser inherently must parse the HTL file so as to render the web page on the handheld device. Furthermore, as explained above, the handheld device may display only part of the page and provide information regarding the page position of the displayed portion. Hence, the handheld device recomposes the received network information as claimed.

Regarding the argument concerning the Examiner taking office notice of providing MPEG in the Internet as well known, the Examiner now cites Mighdoll US patent 5,918,013 to support this assertion.

Claim Rejections - 35 USC § 102

Art Unit: 2152

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 6-7, 9-10, 12-13, 15-16, 18-22, 25, 27-28, 30-33, 36, 39, 41, 44, 50, 53-56, 59-66, 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis US patent 5,727,159.

As per claim 1, Kikinis teaches a system essentially as claimed, comprising:

means for receiving request and means for retrieving first network information having interactive elements [Proxy-Server, fig.4, #81 - #97];

means for creating second network information comprising display information [images #101] and definitions [layout #99] based on characteristic of the interactive elements [col.7 lines 12-24, 44-55, col.10 lines 56-68];

means for transmitting the second information [fig.4 #105].

means for receiving the network information [fig.4 #107, col.10 lines 30-33]; and

Art Unit: 2152

means for recomposing [NanoBrowser on the handheld device] the second network information to form third network information for the user device [parsed data from the HTL file, page portions and page position information - see col.10 lines 46-56].

As per claim 3, Kikinis teaches means accessing the internet [col.4 lines 25-28].

As per claim 4, Kikinis teaches translating the information from first format to second format [fig.4 #99 - #103].

As per claim 6, Kikinis teaches means for receiving user request related to the definition [fig.4 - request to a WEB page 76 - a web page is an HTML encoded file with definition of information to be rendered].

As per claims 7, 9-10, 12-13, 15-16, 18-22, 25, 27-28, 30-33, 36, 39, 41, 44, 50, 53-56, 59-66, 69, they are rejected under similar rationales as for claims 1,3-4, and 6 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Art Unit: 2152

Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 45 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US patent 5,727,159 and further in view of Mighdoll et al. US patent 5,918,013.

As per claims 40, 45 and 70, Kikinis does not specifically disclose the network information including MPEG information. However, official notice is taken that it is well known to provide video via MPEG over the Internet. See Mighdoll col.11 lines 20-27. Mighdoll is directed to a transcoding proxy similar to that of Kikinis. Mighdoll teaches converting MPEG data to format playable by the receiving device [col.11 lines 20-27]. Kikinis discloses providing conversion for multimedia data provided over the Internet [col.6 lines 55-68]. Hence, it would have been obvious for one of ordinary skill in art to have conversion for MPEG so as to enable the client device to view the MPEG.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

Art Unit: 2152

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Application/Control Number: 09/460,455

Page 8

Art Unit: 2152

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Dung Dinh
Primary Examiner
October 12, 2005